



# Haryana Government Gazette

## EXTRAORDINARY

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### HARYANA GOVERNMENT TOWN & COUNTRY PLANNING DEPARTMENT

#### Notification

The 19th July, 2022

**No. Misc-632 STP (E&V)/2022/507.**— Whereas the State of Haryana has enacted the Haryana Management of Civic Amenities and Infrastructure Deficient Areas Outside Municipal Area (Special Provisions) Act, 2021 i.e. Act No.5 of 2022 to bring all unauthorised colonies/developments/buildings outside the municipal areas in the State, wherever feasible, into the planning framework, to regularize the development and to facilitate provision of civic amenities to the residents/plot holders of these areas.

Now, in exercise of the powers conferred by section 8 and 14 of the Haryana Management of Civic Amenities and Infrastructure Deficient Areas Outside Municipal Area (Special Provisions) Act, 2021 and other powers enabling him in this behalf, the Governor of Haryana is pleased to notify the policy for the provision of the essential services and civic amenities in infrastructure deficient areas outside municipal area in the State of Haryana and for regularization of unauthorized colonies/development/buildings outside municipal areas.

2. (1) Definitions: in the policy, unless the context otherwise requires,-
- (i) “act” means, the Haryana Management of Civic Amenities and Infrastructure Deficient Areas Outside Municipal Area (Special Provisions) Act, 2021.
  - (ii) “built up” means a construction with pucca roof which is intended to be used for residential or commercial or institutional purpose or any habitable use;
  - (iii) “declared area” means an area declared to be civic amenities and infrastructure deficient area under section 3 of the Haryana Management of Civic Amenities and Infrastructure Deficient Areas Outside Municipal Area (Special Provisions) Act, 2021.
  - (iv) “development agency” means Haryana Rural Development Authority;
  - (v) “development charges” means a fee levied for developing civic amenities and infrastructure in declared area;
  - (vi) “developer” means a person who has made an unauthorized development and shall include the owner of the land or the person who entered into an agreement to develop or holder of Power of Attorney on behalf of the land owners, or any other person who was/is associated with the sale of land or unauthorized development.
  - (vii) “plot holder” means a person in whose favour a plot in the infrastructure deficient area has been transferred or agreed to be transferred by the developer;
  - (viii) “public building” means a building as defined in the Haryana Building Code, 2017;

- (ix) “punitive action” means the action taken by the competent authority under the relevant law against unauthorized development/construction and shall include demolition, displacement of person or their business establishment from their existing location, whether in pursuance of court order or otherwise;
- (x) “regularization charges” means a charge to be paid for regularizing the unauthorized colony/plot/building;
- (xi) “residents welfare association (RWA)” means a society of the plot holders of an unauthorized colony registered under the Haryana Registration and Regulation of Societies Act, 2012 or any other law for the time being in force for the purpose, provided that in case the said association is not registered, it shall be mandatory to get it registered with the authority concerned before filing application under this policy;
- (xii) “sold” means sale by way of registered sale deed.
- (xiii) “unauthorized colony” means a colony developed in violation of the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975;
- (2) The terms and expressions which are not defined in this policy shall have the same meaning as assigned to them, in the respective Acts/Rules/Regulations/Byelaws unless the context otherwise requires.

### 3. Applicability:

This policy shall come into effect from the date of its notification in the official gazettee. This policy shall be applicable in entire State of Haryana including area falling under the Punjab New Capital (Periphery) Control Act, 1952 outside the Municipal Area for regularization/provision of civic amenities and infrastructure in the declared areas as per the norms/parameters provided in this policy, where plots have been sold/built up before 1st July, 2022 irrespective of the land use proposals of development plan.”

Provided that no unauthorized development/area/building shall be declared as Civic Amenities and Infrastructure Deficient Area if;

- i. The colony is developed on any public land including land belonging to gram panchayat (such as shamlat land including jumla mushtarka malkaan), municipal land, waqf board land, land under the Punjab Land Preservation Act, 1900, land delisted from the Punjab Land Preservation Act, 1900, area under river or its flood plain, choe etc.
- ii. The colony is developed on any restricted areas under the Works of Defense Act, 1903, the Ancient Monuments and Archaeological Sites and Remains Act, 1958, or any other law prohibiting the development of colony or building in a particular area.
- iii. The colony is developed on any restricted zone near the airport/defense land.
- iv. The colony is developed in restricted belt along scheduled roads and national highways or any other restricted area under any other law.
- v. The colony is developed within alignment of any proposed road or green belt under the notified draft/final development plan.
- vi. The colony is developed over a government notified area under a separate policy/rules/bye-law etc.
- vii. The application is not submitted by developer or residents welfare association or co-operative society of the concerned colony.

**3.1 Area Norms:** There shall not be any minimum or maximum area norms for any area/colony to be notified as declared area.

**3.2 Built Up Area Norms:** There shall not be any minimum or maximum area norms for any area/colony to be notified as declared area. However, the buildings to be raised on vacant plots of such area/colony after notifying it as declared area shall be governed by Haryana Building Code 2017 as amended from time to time.

**3.3 Effect of Development Plan Proposals:** The area shall be regularized irrespective of the land use & other proposals of the development plan if fulfills the provisions of this policy, and after declaration under this policy the amendment shall be made in the development plan, if required, by the concerned department/authority.

### 3.4 Cut of date of application for regularization:

- (i) The concerned developer or the residents welfare association, as the case may be, shall submit an application with the Development Agency for declaring their area as civic amenities and

infrastructure deficient area within a period of six months from the date of notification of this policy. Thereafter, no application shall be entertained.

- (ii) Only after fulfilling all the requirements of this policy and after full and final payment of the charges the colony/area of the applicant will be declare as civic amenities and infrastructure deficient area.

**4. Norms and Categorization of Civic Amenities and Infrastructure Deficient Areas based on the extent of existing built-up area:-**

Sr. No.	Category	Norms
i.	<b>A</b>	<b>colony with built up area upto 25%</b>
ii.	<b>B</b>	<b>colony with built up area upto 50% but more than 25%</b>
iii.	<b>C</b>	<b>colony with built up area upto 75% but more than 50%</b>
iv.	<b>D</b>	<b>colony with built up area upto 100% but more than 75%</b>

**Note:** (a) Categories with built up area upto 50% would have opportunity to improve their current layout w.r.t. Right of Way (ROW), open space, commercial component, sewerage treatment plant, tube-well, community halls etc.

(b) All existing built up plots in all categories of colony shall be frozen to their present status of construction.

(c) All un-built plots in all categories of colony shall be demarcated subject to provision of space for water works, sewerage treatment plant public utilities etc. as per following norms:

Sr. No.	Utility	Minimum Area required (in sq. Metrs)
i.	Tube Well	100
ii.	Sewerage Treatment Plant (STP)	
	Upto 10 acres	150
	10 to 15 acres	200
	15 to 25 acres	300
	Above 25 acres	500
iii.	Site for any other utility for 20 acres and above	100

**(i) Category A - colony with built up area upto 25%:**

- (a) All un-built plots shall be subject to widening of road/street, space for parks/amenities, water works and community building etc. if required.
- (b) 35% of the colony area shall be kept under roads, parks, etc.
- (c) No road shall be of less than 9 metres width.
- (d) The width of approach road to the colony shall not be less than 9 metres.
- (e) The area under parks and open space shall not be less than 5%.
- (f) The commercial component shall be limited to 4%.
- (g) For the colony having area of 20 acres and above, 500 sqm land shall be kept for provision of community building.

**(ii) Category B – colony with built up area upto 50% but more than 25%:**

- (a) All un-built plots shall be demarcated for widening of road/street, space for parks/amenities, water works, community building etc. if required.
- (b) There shall be no restriction on saleable area.
- (c) No road shall be less than 6 meters width.
- (d) The width of approach road to the colony shall not be less than 9 meters.

- (e) Area under parks shall not be less than 3%.
  - (f) The commercial component shall be limited to 4%.
  - (g) For the colony having area of 20 acres and above, 500 sqm land shall be kept for provision of community building.
  - (iii) **Category C – colony with built up area upto 75% but more than 50%:**
    - (a) There shall be no restriction on saleable area.
    - (b) No road shall be of less than 6 metres width. In case the road width is less than 6 meters then the plot holders shall leave land strip from their plots to maintain minimum street width to 6 meters.
    - (c) There shall be no minimum norm for approach road to the colony.
    - (d) The commercial component shall be limited to 4%.
  - (iv) **Category D – colony with built up area upto 100% but more than 75%:**
    - (a) There shall be no restriction on saleable area.
    - (b) There shall be no minimum norm for approach road to the colony.
    - (c) The developer/RWA shall ensure No Objection Certificate (NOC) from the concerned Fire Officer.
    - (d) The developer/RWA shall ensure fire hydrants at appropriate locations and as directed by the concerned Fire Officer.
    - (e) The commercial component shall be limited to 4%.
- 5. Procedure for declaring area/colony as Civic Amenities and Infrastructure Deficient Area :**
- 5.1 Submission of application:** An application for declaring the area/colony as civic amenities and infrastructure deficient area shall be submitted by the developer or by the residents welfare association/co-operative society of the colony (here in after referred to as applicant) along with layout plan superimposed on khasra details with the documents mentioned in sub clause 5.2 below to the development agency.
- 5.2 List of Documents to be submitted:**
- (a) (i) **in case applicant is a developer:** proof of ownership viz, registered sale deeds or sale agreements on stamp paper/power of attorney, fard jamabandi of the time when such colony was sold/developed, the present jamabandi and the list of plot holders alongwith proof of ownership.
  - (ii) **in case applicant is a residents welfare association or cooperative society:** Registration certificate of RWA under the Haryana Registration and Regulation of Societies Act, 2012 of cooperative society under the Haryana Co-Operative Societies Act, 1984, registered sale deeds or sale agreements on stamp paper/power of attorney, and any other documents which the competent authority may require.
  - (b) Besides this, the following documents shall also be submitted along with the application:
    - (i) Survey plan of unauthorized/illegal colony. The survey plan should be super imposed on the shajra plan and satellite imagery of the area indicating name of the revenue estates. A soft copy of AutoCAD drawing may also be submitted.
    - (ii) Development Plan and satellite imagery of the town showing location of the colony.
    - (iii) Extent of area in acre along with khasra number clearly indicating the boundary of the colony with dimensions and use of the plots. The boundary of the colony should be contiguous.
    - (iv) Existing street pattern of the colony along with width of each street.
    - (v) Layout plan showing total number of plots with plot number, sold, unsold, built-up/vacant plots, existing community sites i.e. park, school, dispensary, temple, community centre etc. high tension line/gas pipelines, if any passing through the colony, location of government land, if any falling within the colony, with dimensions;
    - (vi) Service plan showing exiting services (if any) i.e. road, water supply line, drainage, electricity lines, street lights, sewerage etc.
    - (vii) The documents should be supplied in one soft copy and two hard copies of each colony.
    - (viii) The boundary of the colony shall be prepared such that:

- a. The area measuring more than 1000 sqm., if lying vacant within the colony, shall not be included.
- b. The part of colony falling within road, green belt, restricted belt along scheduled road, shall not be included.
- (ix) The plots under industrial unit, warehouse, shop/showroom/retail-outlet commercial building, mall, multiplex, hotel banquet hall etc. shall be properly shown in the layout and shall not be included in the boundary of the colony.
- (x) The applicant shall give an undertaking to pay development charges, regularization charges and any other charges levied under this policy;

### 5.3 Scrutiny of application:-

- (i) The application received by Development Agency shall be circulated to all the members of District Level Scrutiny Committee (DLSC) within a week;
- (ii) The received applications shall be scrutinize by the following District Level Scrutiny Committee (DLSC).

Sr. No.	Name of Officer	Designation in the DLSC
i.	Deputy Commissioner	Chairman
ii.	District Town Planner	Member (Convener)
iii.	Chief Executive Officer, Zila Parishad	Member
iv.	District Development and Panchayat Officer	Member
v.	Executive Engineer, PWD (B&R)	Member
vi.	Executive Engineer, PHED	Member
vii.	District Fire Officer	Member
viii.	Executive Engineer, Panchayati Raj	Member
ix.	Tehsildar in O/o Deputy Commissioner	Member

- (iii) The committee shall meet in the presence of the applicant periodically and if any discrepancy is found in the documents, it shall be conveyed to the applicant within three months from the date of receiving of application;
- (iv) The applicant shall submit the required documents within one month;
- (v) After receiving all documents from applicant and scrutiny by DLSC, the Chairman of the Committee shall forward the application to Divisional Commissioner concerned alongwith recommendation on each proposal.
- (vi) The concerned Divisional Commissioner, if not satisfied with the proposal, shall reject/dispose of the application duly recording the reasons in writing within one month of receiving the proposal/recommendation from the Deputy Commissioner.
- (vii) The concerned Divisional Commissioner after receipt of the proposal, if satisfied, shall grant the in-principle approval and convey the same to the Deputy Commissioner concerned.
- (viii) After obtaining the in-principle approval from the Divisional Commissioner, the Deputy Commissioner will issue demand notice to the applicant to deposit within a period of three months, the development and regularization charges & fulfill the terms and conditions imposed in the in principle approval.
- (ix) The applicant is required to make the compliance of the demand notice within the stipulated time period otherwise the application shall deemed to be cancelled.

Provided that in case the applicant seeks any relaxation in any of the conditions of the demand notice, the Chairman of the scrutiny committee may refer the matter to the committee constituted under clause 11 of the policy for its clear recommendation.

- (x) After receipt of recommendation of the committee constituted under clause 11 or compliance of demand notice within stipulated time by the applicant, the Deputy Commissioner shall forward the proposal to the Divisional Commissioner alongwith the draft notification in Hindi and English for notification of the area/colony as civic amenities and infrastructure deficient area in

the official gazette, who will forward the proposal alongwith recommendations to Director to get the area notified as 'declared area' in the official gazette.

**6. Development & regularization fee/charges to be demanded in the demand notice:**

- (i) The lump sum charges as development charges for provision of essential services for built up area shall be demanded at the rate of 5% of the collector rate and for vacant area at the rate of 10% of the collector rate of that area or as decided by the Govt. from time to time.
- (ii) Only on receipt of full and final payment, the Deputy Commissioner shall forward the compliance report (of the demand notices) to the Divisional Commissioner alongwith the draft notification in Hindi and English for notification of the colony/area as civic amenities and infrastructure deficient area in the official gazette.

**7. Condition to declare area/colony as Civic Amenities and Infrastructure Deficient Area:-**

- (i) That the area under roads, open spaces, parks and other utilities shall be transferred in the name of the concerned development agency/government.
- (ii) The Development Agency shall carry out the development works out of the funds collected from the residents/RWA/developer of the colony. However, in case of insufficient funds, the Development Agency/Government may contribute the remaining amount to be incurred for completion of the development works.
- (iii) The maintenance of the area shall be the responsibility of the residents welfare association or by the developer till the time residents welfare association comes in operation. The concerned Development Agency shall not be responsible to maintain these areas.
- (iv) In case public water supply and sewerage system is available around the applied area then the Development Agency may consider to relax the condition of providing sites for sewerage treatment plant and water works subject to the condition that the applicant shall pay the proportionate charges for the same on pro rata basis as decided by the Development Agency. A common sewerage treatment plant/ water work site may also be considered for group of nearby colonies/ areas declare as civic amenities and infrastructure deficient area with the technical advice of the concerned Superintending Engineer, PHED based on requirement and other technical norms.
- (v) The declaration of colony / area as civic amenities and infrastructure deficient area will be subject to the outcome of decision regarding pending cases, if any, in any Court of Law
- (vi) The Deputy Commissioners shall be responsible to ensure the proper and timely implementation of this policy in their respective areas.
- (vii) No unauthorized colony which is developed on or after enactment of this policy will be declared as civic amenities and infrastructure deficient area.
- (viii) The civil/criminal action by the Competent Authority against the applied area shall be kept in abeyance upon receipt of application under this policy and shall be withdrawn by the Competent Authority after notification of the declared area. If the applicant does not get declared his area/colony as civic amenities and infrastructure deficient Area within the validity period of this policy, the competent Authority shall initiate prosecution proceedings as per provisions of the Act/Rules. On expiry period of this policy, the District Level Scrutiny Committee shall identify the developer / RWA/Co-operative society who have not applied within stipulated period and will submit the report to the competent authority for taking action as per law against these colonies/defaulters.
- (ix) The colony / area declared as civic amenities and infrastructure deficient area under this policy shall have to get registered under the Real Estate (Regulation and Development) Act, 2016 (Central Act of 2016) with the Real Estate Regulatory Authority if applicable.
- (x) The Development Agency, after notification of area as 'declared area' under section 3 of the Act 5 of 2022 shall send a list of area/ colonies declared as civic amenities and infrastructure deficient areas along with the layout plan to the sub-registrar to allow the registration of sale deeds in the declared area. The sub-registrar shall allow the sale deeds as per the layout plan.

**8. Consequences for non- submission of application for declaration of area as Civic Amenities and Infrastructure Deficient Area:**

- (i) Such colonies shall remain as unauthorized / illegal and offence shall be treated as continuing offence. The competent authority shall take action against such areas/colonies as per provisions of relevant Act/Rules.

- (ii) No connection for water supply and other services like sewerage, drainage, electricity etc. shall be provided in such area/colony;
  - (iii) No sub-registrar shall register sale deed or any other document regarding sale of land or plots or buildings falling under such unauthorized colonies.
  - (iv) No building plan of any plot in such unauthorized colonies shall be approved by any authority.
  - (v) Other enforcement actions including demolition of the unauthorized/unapproved building, if any, falling under such colony may be taken as per law.
- 9. Procedure for regularization of plot by each plot owner in the notified declared area:**
- (i) Each plot owner under section 6 of the Haryana Management of Civic Amenities and Infrastructure Deficient Areas Outside Municipal Area (Special Provisions) Act, 2021 i.e. Act No. 5 of 2022 is entitled for regularization of his unauthorized construction subject to the payment of composition charges prescribed by the govt. in Town and Country Planning Department from time to time and is entitled to get the building plans approved. The competent authority at district level will regularize/compound the unauthorized construction and approve the building plans.
  - (ii) The building plan will be approved by the concerned authority as per provisions of the HBC 2017.
  - (iii) The plots should be as per the layout submitted by the colonizer at the time of the submission of application to declare his area as civic amenities and infrastructure deficient areas.
- 10. Maintenance of a separate account:** A separate account shall be maintained by Development Agency for each colony/ area and the funds collected shall be utilized for providing essential services in the declared area.
- 11. Special Dispensation:** In case the Government feels that any clause/provision of this policy causes any hardship in implementation of this policy in any particular case, it may relax any of the provisions on the recommendations of a committee constituted and notified for this specific purpose.

DEVENDER SINGH,  
Additional Chief Secretary to Government Haryana,  
Town and Country Planning Department.